

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BUY A NORTH O HOME, Inc.,)	CASE NO. 8:08CV148
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
NORRIS SWAN,)	
)	
Defendant.)	

This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis ([Filing No. 2](#)) and Motion to Extend Time to Retain Counsel ([Filing No. 9](#).) Plaintiff is a non-profit corporation, "registered and in good standing with the Internal Revenue Service." ([Filing No. 5](#) at CM/ECF p. 1.) The benefit of proceeding in forma pauperis extends only to "natural person[s]" and not to "artificial entities" such as non-profit corporations. [Rowland v. California Men's Colony, 506 U.S. 194, 196 \(1993\)](#). Plaintiff therefore cannot proceed in forma pauperis and must pay the court's \$350.00 filing fee. On the court's own motion, Plaintiff shall have 30 days in which to pay the filing fee. In the event that Plaintiff fails to pay the filing fee within 30 days, this matter will be dismissed without prejudice and without further notice.

Regarding Plaintiff's Motion to Extend, Plaintiff has previously been given one extension of time to retain counsel, and has now had more than 60 days in which to do so. ([Filing No. 6](#) and May 29, 2008 Text-Only Order.) In its Motion, Plaintiff seeks an additional six months in order to retain counsel in this matter. The court cannot permit such a lengthy extension of time, particularly where this case cannot proceed until Plaintiff retains counsel. However, Plaintiff is permitted an additional 90 days in which to retain counsel.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed In Forma Pauperis ([Filing No. 2](#)) is denied. Plaintiff shall pay the full \$350.00 filing fee no later than August 1, 2008. In the event that Plaintiff fails to pay the full filing fee, this matter will be dismissed without prejudice and without further notice;
2. Plaintiff's Motion to Extend Time to Retain Counsel ([Filing No. 9](#)) is granted in part. On or before September 29, 2008, Plaintiff must retain counsel. Any counsel retained by Plaintiff to represent its interests herein must file an entry of appearance in accordance with Nebraska General Rule 1.3(d). In the absence of the filing of a valid appearance by counsel by that date, this case will be dismissed without prejudice and without further notice;
3. The Clerk of the court is directed to set a pro se case management deadline in this case with the following text: September 29, 2008: deadline for entry of appearance of Plaintiff's counsel; and
4. The Clerk of the court is directed to set a pro se case management deadline in this case with the following text: August 1, 2008: deadline for payment of filing fee.

DATED this 1st day of July, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge